

June 2, 1977

Memo to File:

Re: Interstate Brick Company
Big Cottonwood
Salt Lake County, Utah
ACT/035/003

A personnel communication was received on the 1st of June 1977, from Mr. Warren Reynolds of the Salt Lake County Zoning Commission. Mr. Reynolds expressed the Commission's concern over rejuvenation of the Big Cottonwood Pit. Apparently any work which is performed in the County is subject to approval under the County zoning laws.

The Salt Lake County Excavation Ordinance requires any earth moving operation to be working under a conditional use permit issued by the Commission.

It was explained to Mr. Reynolds that approval under the Mined Land Reclamation Act does not exempt the operation from compliance with County regulations. An official letter will be sent to the Division in regard to the County's concern.

Harvey Cahoon will be informed by telephone of these developments and will be copied the letter from Salt Lake County when it arrives.

RONALD W. DANIELS
COORDINATOR OF MINED
LAND DEVELOPMENT

/tlb

TITLE V - EXCAVATIONS

Chapter 1.	Enforcement
Chapter 2.	Definitions
Chapter 3.	Establishment of Districts
Chapter 4.	General Requirements
Chapter 5.	Operational Requirements
Chapter 6.	Rehabilitation
Chapter 7.	Exceptions
Chapter 8.	Application to Existing Operations

Chapter 1. Enforcement

- 5-1-1. Zoning Administrator to Enforce
- 5-1-2. Powers and Duties of Zoning Administrator
- 5-1-3. Penalties.

5-1-1. Zoning Administrator to Enforce. The Zoning Administrator is hereby designated and authorized as the officer charged with the enforcement of this title and may, in specific instances at his discretion, delegate this authority to any authorized employee in his or other departments.

5-1-2. Powers and Duties of Zoning Administrator. It shall be the duty of the Zoning Administrator to inspect or cause to be inspected at regular intervals, as often as necessary, all excavations. Where it is determined by the Zoning Administrator that any excavation project is not proceeding in compliance with the provisions of this title, he may, where necessary, pursue legal action in appropriate courts, provided that failure to do so shall not legalize any violation of such provisions.

5-1-3. Penalties. Any person violating any provision or provisions of this title shall be deemed guilty of a misdemeanor and punished by imprisonment in the county jail for a period not exceeding six months or by a fine in any sum less than three hundred dollars, or both, provided that a corporation violating a provision or provisions of this title shall be punished by a fine not exceeding one thousand dollars.

Chapter 2. Definitions

- 5-2-1. Definitions

5-2-1. Definitions. For the purpose of this title, excavation shall mean the removal of clay, soil, granite, flagstone, slate, shale, limestone, sandstone, sand or gravel from the earth by excavating, stripping, levelling or any other process, together with all other types of mining operations where material is removed from the earth.

Chapter 3. Establishment of Districts

5-3-1. Excavation District

5-3-1. Excavation District. The following excavation district is hereby established in the unincorporated area of Salt Lake County:

Beginning at the point of intersection of the north line of Salt Lake County and the west line of Section 6, T1N, R2E, SLB & M, which point lies also upon the west line of Range 2 East, SLB & M, thence Southward along the west line of said Range 2 East, to the south line of Salt Lake County; thence westerly along the south line of Salt Lake County to the point of intersection with the west line of Section 22, T4S, R2W; thence northward along the west line produced of said section 22 to the southeast corner of Section 9, T3S, R2W; thence west along the south line produced of said section 9, to the southwest corner of section 8, T3S, R2W; thence north along the west line produced of last said section to the west quarter corner of Section 20, T1S, R2W, thence east from said west quarter corner along the quarter section line produced of said Section 20, to the west quarter corner of section 23, T1S, R2W; thence north along the west line of said section 23 to the north line of same section; thence east along the north line produced of same said section to the point of intersection with the west limits of Salt Lake City; thence northerly following along the west limits of Salt Lake City to the north line of Salt Lake County; thence along the north line of Salt Lake County to the point of beginning ; but excluding all lands lying inside the incorporated communities within the area above described. This area is described throughout in relation to the Salt Lake Base & Meridian.

Chapter 4. General Requirements

5-4-1. Yard Requirements

5-4-1. Yard Requirements. Subject to modifications outlined in Section 5-8-5 of this title, no part of an excavation operation or access road, parking area, office building, or crushing, screening, washing, mixing or other type of processing operation shall be permitted closer than two (2) hundred feet to a residential zone boundary or a subdivision or within fifty (50) feet of a public highway right-of-way, except for accessory access roads. For the purpose of this title the residential zone S-1G shall be considered a non-residential zone.

Chapter 5. Operational Requirements

5-5-1. Restrictions

5-5-1. Restrictions. All excavation operations conducted or carried on in established excavation districts are subject to the following limitations, restrictions and controls:

(1) Dust, noise, vibration, smoke, lights and odor. All equipment and machinery used on the site of an excavation operation shall be constructed, maintained and operated in such a manner as to reduce dust, noise, vibration, smoke, welding lights and odor to a minimum. Access and haulage roads on the site shall be maintained in a dust-free condition by surfacing or other treatment.

(2) Fencing or barriers. Fencing or other suitable barriers shall be created and maintained on the excavation site where such fencing is practicable and necessary because of dangerous conditions created by the excavation. *not necessary for safety reasons*

(3) Related Manufacturing Operations. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete, the production of asphalt mixes and any similar production or manufacturing processes which might be related to the excavation operation shall not be permitted except as otherwise provided in the zoning ordinance. *N/A*

(4) Washing. The washing of sand and gravel shall be done so as to prevent the discharge of waste water directly into adjacent natural water courses or onto any public or private roads or any private property without the consent of the owner. *N/A*

(5) Hours of Operation. Excavation operations shall not begin before 7:00 A. M. and shall not continue after the hours of 6:00 P. M. and no operation shall take place on Sunday or legal holidays. During periods of national or unusual emergency, time and hours of operation may be altered at the discretion of the Board of County Commissioners. *OK*

(6) Excavation and backfilling.

(a) Where backfilling is required, the excavation shall be graded or backfilled with non-toxious, non-flammable, non-combustible solids. The materials used or the method of fill shall not be such as to create a health hazard nor shall they be objectionable because of odor or unsightliness. *will be done*

(b) The graded or backfilled area shall not collect and permit stagnant water to remain thereon. *will be done*

(c) The peaks and depressions of the excavation area shall be reduced to a surface which will result in level or greatly sloping topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall. *will be done*

(d) In any rehabilitation procedure which takes place in sand and gravel pits or on other sites where material is of loose or friable nature, no slope shall be left which exceeds 30 degrees or the normal angle of repose of the material involved, whichever is less. *material is not loose or friable*

(7) Time Limitation. Within one (1) year after the cessation of the operation, all temporary structures (except fences), equipment, rock piles, rubble heaps or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition. *will be done*

Chapter 6. Rehabilitation

5-6-1. Rehabilitation Requirements

5-6-1. Rehabilitation Requirements. In order to insure that the area of excavation operation shall be rehabilitated, the owner or operator shall, prior to the commencement of excavation, submit to the Zoning Administrator four (4) copies of a plan for such rehabilitation in the form of the following:

(1) A description of all phases of the contemplated operation and the specific mention of the type of machinery and equipment which will or might be necessary to the performance of the operation. When the excavation operation shall include the washing of sand and gravel, the estimated daily quantity of water required, its source and disposition shall be made a part of the description.

(2) A legal description of the proposed site with a map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the site which will be affected by the operation.

(3) A topographic map of the area at a minimum contour interval of five (5) feet extending beyond the site to the nearest public street or highway or to a minimum distance of three hundred (300) feet on all sides.

(4) A physical rehabilitation plan showing the proposed contours after rehabilitation and other special features of rehabilitation and the method by which such rehabilitation is to be accomplished. When the excavation site is greater than 10 acres such plans shall, in addition to the foregoing, show each 10 acre section or portion thereof exceeding the first 10 acre section. Upon completion of excavation of the first 10 acre section, the owner or operator shall commence rehabilitation of the first 10 acre section. Rehabilitation of the first 10 acre section must be completed before excavation may begin on the third 10 acre section or portion thereof. Upon completion of excavation of any subsequent 10 acre section, rehabilitation of such section shall be commenced and completed in the same manner and sequence as rehabilitation of the first 10 acre section; that is, rehabilitation of the second 10 acre section shall be commenced upon completion of excavation of such section and shall be completed before excavation may begin on the fourth 10 acre section, and so forth.

(5) At any stage during the rehabilitation, the plan may be modified by the submission and subsequent approval of an amended rehabilitation plan such as that required in the original application.

(6) The rehabilitation plan and all data and information pertaining thereto shall be referred to the Planning Commission and to the Surveyor by the Zoning Administrator within fifteen (15) days after its receipt for report and recommendation. If approved, the Planning Commission shall, after consideration of the recommendations of the surveyor and within thirty (30) days express its written approval, with whatever conditions are attached, by returning one copy of the rehabilitation plan signed by the Zoning Administrator for delivery to the owner or operator. If the plan is disapproved, the Planning Commission shall, in the same manner and within thirty days, indicate its disapproval in writing and the reasons therefore.

(7) At any stage during the rehabilitation, the plan may be modified by the submission and subsequent approval of an amended rehabilitation plan such as that required in the original application.

Chapter 7. Exceptions

- 5-7-1. Sod
- 5-7-2. Topsoil
- 5-7-3. Commercial disposal
- 5-7-4. Hours of Operation
- 5-7-5. Yards
- 5-7-6. Quantity
- 5-7-7. Exceptions.

5-7-1. Sod. The provisions of this title shall not apply to the removal of sod.

5-7-2. Topsoil. The provisions of this title shall not apply to the removal of topsoil, providing the operation be not closer than ten (10) feet to any property line or to a depth in excess of eighteen (18) inches or such as to adversely affect the drainage of the area.

5-7-3. Commercial Disposal. The provisions of this title shall not apply to any operation which is incident to the legitimate use of the premises, provided, however, that when such operation involves the commercial disposal of the material removed, such operation shall be limited to a maximum period of six months.

5-7-4. Hours of Operations. The Board of County Commissioners may, consistent with the intent of these regulations, modify the provisions relative to permitted hours of operation in any excavation district after notice to interested parties and the holding of a hearing for the matter.

5-7-5. Yards. Relating to existing operations, the Board of County Commissioners shall consistent with the intent of these regulations, and where the character of terrain, of ownership of land, of surrounding development, or other special conditions would justify such modification, permit a reduction in the required yard as stipulated in Section 5-5-1 of this title, so as not to impose unreasonable requirements; however, in no case shall the required distances for any excavation or accessory structures be less than fifty (50) feet from a residential zone.

5-7-6. Quantity. Excavation over a six month period of less than one thousand (1,000) cubic yards from a single parcel of land as recorded in the office of the County Recorder is not subject to the requirements of this title.

5-7-7. Exceptions. In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this title may be made by the County Commission after recommendation by the Planning Commission.

Chapter 8. Application to Existing Operations

5-8-1. Existing Operations

5-8-1. Existing Operations. Within ninety (90) days after the adoption of this title, existing operations shall comply with the provisions set forth in Chapters 5 and 6 hereof and within one (1) year after adoption of this title, existing operations shall comply with the provisions set forth in Chapter 7 hereof, provided that, in no case shall requirements be imposed which are engineeringly unreasonable in respect to conditions resulting from operations prior to the enactment of this title.

Effective September 10, 1959, as amended to December 19, 1972
Amended August 1, 1973, and became effective August 16, 1973